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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

COLUMBIA STATE BANK, a state
chartered bank, as successor-in-interest to the
Federal Deposit Insurance Corporation,
Receiver for Columbia River Bank,

CV 10-1284-AC

OPINION AND ORDER

Plaintiff,

v.

DAYBREAK ESTATES, LLC, an Oregon
limited liability company; PRIMELAN
PROPERTIES, INC.; GARY SANDERS, an
individual; DARWIN C. RASMUSSEN, an
individual; ROY K. NELSON and IRIS E.
NELSON, Trustees of the Nelson Trust dated
November 8, 1990; and PARTIES IN
POSSESSION OR CLAIMING A RIGHT
TO POSSESSION,

Defendants,

and

ROY K. NELSON and IRIS E. NELSON,

Trustees of the Nelson Trust dated
November 8, 1990,

Cross-Claim Plaintiffs,

v.

DAYBREAK ESTATES, LLC, an Oregon
limited liability company; PRIMELAN
PROPERTIES INC.; and DARWIN C.
RASMUSSEN, an individual,

Cross-Claim Defendants,

and

ROY K. NELSON and IRIS E. NELSON,
Trustees of the Nelson Trust dated
November 8, 1990,

Third-Party Plaintiffs,

v.

SECURITY TITLE GUARANTY
COMPANY and FIDELITY NATIONAL
TITLE COMPANY, a Colorado Corporation,

Third-Party Defendants.

REDDEN, Judge:

On February 9, 2011, Magistrate Judge John Acosta filed his Findings and Recommendation (doc. 12) that the court grant Roy K. Nelson's and Iris E. Nelson's motion to remand this action to Washington County Circuit Court (doc. 4). Magistrate Judge Acosta also recommended that the court deny the Nelson's request for attorney fees and costs.

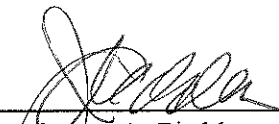
The matter is now before me. See 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(b). None

of the parties timely filed objections. This relieves me of my obligation to review Magistrate Judge Acosta's factual and legal conclusions de novo. 28 U.S.C. § 636(b)(1)(C); see also Thomas v. Arn, 474 U.S. 140, 149-50 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the record, I find no error.

Accordingly, I ADOPT Magistrate Judge Acosta's Findings and Recommendation (doc. 12) in its entirety. I GRANT the Nelson's motion to remand (doc. 4) and REMAND this action to Washington County Circuit Court. The Nelson's request for attorney fees and costs is DENIED.

IT IS SO ORDERED.

DATED this 3^d day of March, 2011.



James A. Redden
United States District Judge